THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9541 of 2007

Between:

Pasuleti Ramakka and
three others. .. PETITIONERS

versus

The Station House Officer, Crime
Control Station Police, Kadapa
District and another. .. RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9541 of 2007

ORDER:

The Writ Petition is a taken up case, which was taken up on file on the strength of a telegram sent by Pasuleti Ramakka and three others praying for issuance of a Writ of Habeas Corpus directing the respondents to produce (1) Pasuleti Ankalu, s/o. Ankalu aged about 14 years; (2) Ramudu, s/o. late Ganganna, aged about 14 years; (3) P.Pullaiah, s/o. Papanna, aged about 30 years and (4) P.Ramudu, s/o. Jabbili aged about 30 years before this Court, who were were illegally taken away and detained by Kadapa Crime Control Station Police since 21.4.2007 and apprehending danger to their lives and set them at liberty forthwith and pass such other suitable orders.

2. A counter affidavit in detail had been filed by the 1st respondent.

In paragraphs 4 and 5 of the counter it was stated that the enquiries of 1st respondent reveals that the alleged detenus were shown as respondents in crime No.85 of 2007, dated 23.4.2007 for the offence under Section 41(1) Cr.P.C. of I Town P.S., Kadapa and the basis for registration of the said crime is that while the A.S.I. of Police and staff of I Town P/S. Kadapa were on night patrolling, on the intervening night of 22/23/4.2007, at about 3.15 AM., near old Bus Stand passengers platform, Kadapa, found four persons lurking among the sleeping persons and on seeing the police party, they tried to skulk away, but the police of I Town P.S. Kadapa, apprehended the said four persons and enquired their names and addresses. When they questioned about their lurking, they revealed their names as (1) Pusala Pullaiah, s/o. Papanna (alleged detenu No.3); (2) Pusala Ramudu , s/o. Jabilli (alleged detenu No.4); (3) Pusala Ankalu, s/o. Ankalu (alleged detenu No.1) and (4) Pusala Ramudu, s/o. Ganganna (alleged detenu No.2). Then the police party searched their persons and upon such search, the first person is having a match box in his pocket, second person is in possession of a piece of blade, third person is having a bunch of keys and fourth person is in possession of a piece of blade. As such the police suspected that they got the above articles with an intention to commit a cognizable offence and hence the police party arrested them and seized the material objects from their possession under the cover of police proceedings and immediately the alleged detenus were brought to I Town P.S., Kadapa at 4.30 AM and registered a case in crime No.85 of 2007 under Section 41(1) Cr.P.C. It is further stated that pursuant to the registration of the above crime and arrest of the alleged detenus, they were produced before the Mandal Executive Magistrate, Kadapa on 23.4.2007 along with the information and the Mandal Executive Magistrate treated the

information laid before him as MC No.58 of 2007 and passed orders directing the alleged detenus to bound over to maintain good behaviour for a period of one year with self-sureties of Rs.50,000/- each and accordingly ordered for their release. The copies of the information laid and the order in MC No.58 of 2007 passed by the Mandal Executive Magistrate, Kadapa along with Part-I C.D. dated 23.4.2007 are filed herewith as material papers.

3. In the light of the specific stand taken in paragraphs 4 and 5 in the counter affidavit and also further details in paragraph 6 of the counter affidavit, this Court is of the considered opinion that no further orders need be passed in the present Writ Petition.

4. Accordingly, the Writ Petition is hereby closed.

P.S.NARAYANA, J.

NOOTY RAMAMOHANA RAO, J.

Dt:16.5.2007.
SSR/TSY